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COMMONWEALTH OF VIRGINIA



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January 31, 2012

The Honorable Charles E. Poston
Presiding Judge, Norfolk Circuit Court
100 St. Paul's Boulevard
Norfolk, VA 23510

RE: Norfolk Community Services Board (NCSB) Matter

Dear Judge Poston:

I write today to respectfully address the Court regarding the above referenced legal matter which is of significant interest in the City of Norfolk, the Fourth Judicial Circuit of Virginia. It has come to my attention that the Court is considering impaneling a Special Grand Jury in the matter, more specifically the issues arising from the payment of a suspended/non-working employee, Jill McGlone, for approximately 12 years.

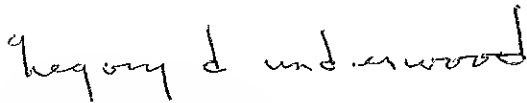
As the Court is aware from the civil side of this matter, an Amended Complaint has been filed by the City with the Court in this matter. Norfolk City Attorney Bernard Pishko recently provided me with this update. Given this development and the understandably considerable public interest in this matter, a criminal legal review of the Amended Complaint and associated materials may be warranted to determine whether they contain new information relevant to the criminal investigation.

As this Office has previously issued a decision in this matter following a lengthy review of the evidence obtained at that time, I am confident the Court will agree that it would be more appropriate for the Court to appoint a Special Prosecutor (Virginia Code § 19.2-155) to review the criminal investigative materials, including the Amended Complaint and associated materials, and assist the Court as necessary with a Special Grand Jury should the Court take that action pursuant to Virginia Code § 19.2-206, "Special grand juries may be impanelled by a circuit court (i) at any time upon its own motion, etc..." and Virginia Code § 19.2-213, "At the conclusion of the investigation and deliberation, a special grand jury impanelled by the court on its own motion or on recommendation of a regular grand jury shall file a report of its findings with the court, including therein any recommendations that it may deem appropriate, after which it shall be discharged. Such report shall be sealed and not open to public inspection, other than by order of the court."

On July 20, 2011, I advised Acting Chief of Police Sharon Chamberlin, Norfolk Police Department (NPD), via letter (enclosed) that this Office "will not initiate criminal charges" in the NCSB matter. My decision was the result of a thorough legal review of the criminal investigative materials provided to this Office by the Norfolk Police Department (NPD). The detailed and in-depth criminal investigation by NPD raised questions about prior management operations of the NCSB, but the evidence obtained to date did not support pursuing a criminal prosecution against McGlone or any NCSB employee. This Office's criminal legal review of the matter began in mid-to-late December 2010 upon receipt of the first investigative materials from NPD which was tasked with opening a criminal investigation in early September 2010.

As the Court considers the Special Grand Jury and/or Special Prosecutor options, please know this Office continues to share the public's desire for factually accurate information in this matter to be uncovered and released, as appropriate. Furthermore, this Office supports the Court's interest in a fresh criminal analysis of the matter following the Amended Complaint. I sincerely appreciate your time and attention to this matter. If I can be of further assistance, I welcome the opportunity to hear from you.

Very truly yours,

A handwritten signature in cursive script that reads "Gregory D. Underwood".

Gregory D. Underwood
Commonwealth's Attorney

GDU/amh

Enclosure

cc: The Honorable Junius P. Fulton III, Chief Judge, Norfolk Circuit Court

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July 20, 2011

Acting Chief Sharon Chamberlin
Norfolk Police Department
100 Brooke Avenue
Norfolk, VA 23510

RE: Legal Review of Norfolk Community Services Board (NCSB) Matter

Dear Chief Chamberlin:

I have now had the opportunity to thoroughly review the criminal investigative materials provided to this Office by the Norfolk Police Department regarding the above-referenced matter, more specifically the issues arising from the payment of a suspended/non-working employee, Jill McGlone, for approximately 12 years. I write now to advise you that this Office will not initiate criminal charges in the matter.

While the detailed and in-depth criminal investigation by the Norfolk Police Department does raise questions about prior management operations of the NCSB, the evidence obtained does not support pursuing a criminal prosecution against Jill McGlone or any NCSB employee.

Please know this Office appreciates the patience shown by all interested parties in allowing this Office the necessary time to complete our legal review of the criminal investigation. If you require additional information, please contact me.

Very truly yours,

Gregory D. Underwood
Commonwealth's Attorney